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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,020	06/29/2000	Atsushi Ikeda	862.C1937	8065
5514	7590	11/04/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RAHIMI, IRAJ A	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/606,020 (Iraj) Alan Rahimi	IKEDA ET AL. Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 59-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 59-63,65-70,72-77 and 79 is/are rejected.
- 7) Claim(s) 64,71 and 78 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 June 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Amendment***

1. In papers filed on June 14, 2004, applicant canceled claims 1-58 and added new claims 59-79. In amendment dated August 5, 2004 applicant corrected the typographical errors in the specification. Applicant requested listing of Nobutal and Kobayashi et al. that were used in the rejection by the original examiner to be included in the PTO-892 form. Nobuta was cited in the PTO-892 form as part of paper#5 (copy attached) but did not list Kobayashi et al. The new PTO-892 form includes Kobayashi.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 59-61, 63, 65, 66-68, 70, 72-75, 77, 79 rejected under 35 U.S.C. 102(b) as being anticipated by Gompertzpertz et al. (US patent 5,742,306).

Regarding claim 59, Gompertzpertz discloses a facsimile apparatus comprising (column 3, lines 57-62):

a recording unit 20 which is capable of printing a received facsimile image by selectively using a first unit for color image printing and a second unit for high-quality color image printing (column 5, lines 44-62); and

a control unit adapted to control the recording unit to print a received color facsimile image not by the second unit, but by the first unit (column 6, lines 49-57).

Regarding claim 60, Gompertz discloses the facsimile apparatus according to claim 59, wherein the first unit comprises a plurality of containers 72, 74, 76 respectively containing cyan, magenta, and yellow printing agents, and the second unit 82, 84, 86 comprises a plurality of containers respectively containing high-quality cyan, magenta, and yellow printing agents, suitable for high-quality image printing, which differ in density from the printing agents contained in the first unit.

Regarding claim 61, Gompertz discloses the facsimile apparatus according to claim 60, wherein the printing agents and high-quality printing agents are inks (column 5, lines 62-66).

Regarding claim 63, Gompertz discloses the facsimile apparatus according to claim 60, wherein either one of the first unit and second unit is selectively loaded to the recording unit (column 5, lines 46-48).

Regarding claim 65, Gompertz discloses the facsimile apparatus according to claim 60, wherein the first unit is capable of printing by using process black, and wherein the control unit uses the first unit for printing a received monochrome facsimile image and controls the first unit to print the received monochrome facsimile image by using process black. Gompertz discloses in column 6, lines 50-57 that software print driver uses appropriate rendering scheme suitable to

whichever pen is installed. He also teaches in column 2, lines 3-6 that tricolor pens can make process black by combining the three-color inks. Therefore the first coloring unit is well capable of printing process black.

Regarding claims 66 and 73, arguments analogous to those presented for claim 59, are applicable.

Regarding claims 67 and 74, arguments analogous to those presented for claim 60, are applicable.

Regarding claims 68 and 75, arguments analogous to those presented for claim 61, are applicable.

Regarding claims 70 and 77, arguments analogous to those presented for claim 63, are applicable.

Regarding claim 72 and 79, arguments analogous to those presented for claim 65, are applicable.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 62, 69 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gompertz (US patent 5,742,306).

Regarding claim 62, Gompertz discloses the facsimile apparatus according to claim 60, wherein the first unit further comprises a container containing black printing agents and the second unit further comprises a container containing high-quality black printing agents, suitable for high-quality image printing, which differ in density from the black printing agent contained in the first unit. Gompertz discloses in column 2, lines 10-24 dual pen and quad pen color printing mechanisms where each mechanism also has black ink. Since he is also teaching dual color units with different ink concentration, it would have been obvious to a person ordinary skill in the art to add the black cartridge to the tricolor cartridge to make dual pen printing mechanism with different concentrations.

Regarding claims 69 and 76 arguments analogous to those presented for claim 62, are applicable.

***Allowable Subject Matter***

6. Claims 64, 71 and 78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reed (US patent 6,027,199) discloses method of printing using plurality of same color inks with different intensities.

Kawanabe (US patent 6,219,153) discloses dual printing cartridges.

Shimada et al. discloses multiple ink cartridges.

Takemura et al. (US patent 6,089,772) discloses a printer having two cartridges.

Kobayashi et al. (US patent 6,338,539) discloses inkjet recording device that places the empty cartridge in the window area for replacement.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alan Rahimi  
October 29, 2004

  
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